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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,037	10/30/2003	Yuji Takahashi	032054	6029
38834 7590 02/11/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER NGUYEN, JENNIFER T				
ART UNIT		PAPER NUMBER		
2629				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,037

Applicant(s)

TAKAHASHI ET AL.

Examiner

JENNIFER T. NGUYEN

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to amendment filed 11/20/08.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (Pub. No.: US 2004/0160421) in view of Ross-Messemer et al. (Patent No.: US 6,885,491).

Regarding claims 1 and 13, Sullivan teaches a touch panel device (12) (figs. 2-6) having at least one pair of excitation section (31) for exciting surface acoustic waves by application of a burst wave and receiving section (26) for receiving surface acoustic waves, which are arranged to face each other on a substrate capable of propagating surface acoustic waves, for propagating surface acoustic waves between said excitation section and said receiving section on said substrate and detecting a position of an object in contact with said substrate, based on received results by said receiving section [0106-0113].

Sullivan does not specifically teach "a measuring section... the strength of surface acoustic waves measured by said measuring section".

Ross-Messemer teaches a measuring section for measuring strength of surface acoustic waves received by said receiving section (col. 4, lines 27-31, col. 15, lines 36-41).

a control section (77) for controlling the frequency of the wave to be applied to said excitation section, based on the strength of surface acoustic waves measured by said measuring section (col. 4, lines 27-31, col. 4, line 66 to col. 5, line 3, col. 15, lines 36-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the measuring section as taught by Ross-Messemer in the system of Sullivan in order to detect the contact position of a object can be highly accurately without applying high pressure of the object.

Although the combination of Sullivan and Ross-Messemer does not specifically teach the control section for control the number of waves of the burst wave. However, Sullivan teaches measuring the signal with the passage of time [65-66]; accordingly, he teaches the burst wave in a period of time. Moreover, Ross-Messemer teaches the frequency of a signal is mathematically related to the wavelength and wave number; accordingly the combination of Sullivan and Ross-Messemer teaches the control section for control the wave number of the burst wave to be applied to said excitation section.

Regarding claim 2, Ross-Messemer teaches said measuring section measures the strength of surface acoustic waves, and said control section controls the wave number of the burst wave, based on a change in strength of the surface acoustic waves by said measuring section (col. 21, lines 28-48 of Ross-Messemer).

Ross-Messemer differs from claim 2 in that he does not specifically teach the measuring with the passage of time.

Sullivan teaches measuring the signal with the passage of time [65-66]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate the measuring the signal with the passage of time as taught by Sullivan in the system of Ross-Messemer in order to determine information relate to the contact more precise.

Response to Arguments

4. Applicants' arguments filed 11/20/08, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "does not teach or suggest a control section for controlling a number of waves of the burst waves as recited in the claims. Thus, the claims would not have been obvious over Sullian in view of Ross-Messemer". Examiner respectfully disagrees. Sullivan teaches measuring the signal with the passage of time [65-66]; accordingly, he teaches a burst wave applied to the excitation element in a period of time (i.e., duration of 10 ms). Ross-Messemer teaches a control section (77) for controlling the frequency of the wave to be applied to said excitation section, based on the strength of surface acoustic waves measured by said measuring section (col. 4, lines 27-31, col. 4, line 66 to col. 5, line 3, col. 15, lines 36-41). However, the frequency of a signal is mathematically related to the wavelength and wave number; accordingly the combination of Sullivan and Ross-Messemer teaches the control section for control the wave number of the burst wave to be applied to said excitation section. The ground of the rejection is therefore maintained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER T. NGUYEN whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. T. N./
Examiner, Art Unit 2629

/Regina Liang/
Primary Examiner, Art Unit 2629